

351.05  
H 57 R



# राजपत्र, हिमाचल प्रदेश (असाधारण)

हिमाचल प्रदेश राज्य शासन द्वारा प्रकाशित

शिमला, मंगलवार, 3 जुलाई, 2001/12 आषाढ़, 1923

## HIGH COURT OF HIMACHAL PRADESH AT SHIMLA NOTIFICATION

*Shimla, the 18th June, 2001*

**No. HHC/Rules. 22 (31)/84-12152.**—The Hon'ble the Chief Justice and the Judges of the High Court of Himachal Pradesh in exercise of the powers vested in them under Section 29 of the Himachal Pradesh Courts Act, 1976 and all other powers enabling hereunto are pleased to make the following Rules regulating the grant of Licence, Registration and Control of Typists engaged to work in the premises of the Subordinate Courts:—

1. **Short title.**—1. These Rules may be called "The Himachal Pradesh Subordinate Courts Typists (Grant of Licence, Registration and Control) Rules, 2001".
2. **Extent.**—They shall apply to the Typists engaged in typing work in the Subordinate Court premises in the State of Himachal Pradesh.
3. **Commencement.**—They shall come into force with immediate effect.
4. **Definitions.**—In these rules, unless there is anything contrary or repugnant in the subject or context.
  - (a) "Chief Justice" means the Chief Justice of the High Court of Himachal Pradesh;
  - (b) "Civil District" or "District" means a Civil District or District as defined under Section 2 (a) of the Himachal Pradesh Courts Act, 1976;

- (c) "District Judge" means the District Judge; of a District as defined in Section 2 (b) of the Himachal Pradesh Courts Act, 1976;
- (d) "High Court" means the High Court of Himachal Pradesh;
- (e) "Registrar" means the Registrar General of the High Court and includes the Registrar (Vigilance), District & Sessions Judge (Rules), District & Sessions Judge (Inspection), Addl. Registrar, Deputy Registrar and Assistant Registrar or any other officer exercising functions delegated to him under these rules";
- (f) "Screening Committee" means the committee headed by the District Judge of which Senior Sub-Judge-Cum-Chief Judicial Magistrate and Addl. C. J. M.-cum-J. M. I. C. nominated by the District Judge shall be members.
- (g) "Subordinate Court" means a Court subordinate to the High Court exercising Civil or Criminal Jurisdiction;
- (h) "Subordinate Court premises" means the premises in which a subordinate court or group of subordinate courts situate; and
- (i) "Typist" for the purpose of these rules shall mean a person selected by the screening committee to be engaged in typing work in the subordinate Court premises under these Rules.

5. *Licence Compulsory.*—No person shall engage himself in the work of typing in the subordinate Court premises unless he/she has been duly licenced under these rules.

6. *Number of Typists and Place of Work.*—The number of licences to be granted under these rules shall be determined by the District Judge keeping in view the requirement of the court(s) concerned and the availability of space.

7. *Filed of Work.*—A licenced typist shall engage himself in the typing work pertaining to the proceedings in the subordinate courts and shall not undertake any other work in the subordinate court premises ;

8. *Eligibility and Qualification.*—A person fulfilling the following conditions shall be eligible for grant of licence to work as typist under these rules :—

- (i) is a citizen of the Republic of India ;
- (ii) is a matriculate or equivalent from a recognised University or Board of school education ;
- (iii) has completed 18 years of age; and
- (iv) has successfully qualified the test under rule 11 of these rules.

9. *Disqualification.*—No person shall be eligible for grant of licence as a typist if he/she.

- (a) is a Government or quasi Government servant or is engaged in any other employment, trade, business or profession etc;
- (b) is or has been in the service of any legal practitioner as a licenced Clerk within a period of six months preceding the grant of licence;
- (c) has been declared a tout;
- (d) has been convicted for an offence involving moral turpitude;
- (e) has been dismissed from public or private employment;
- (f) is an ex-typist whose licence has been cancelled under these rules or any other relevant rules then in force;
- (g) is an un-discharged solvent; or
- (h) is an ex-petition writer whose licence has been suspended/cancelled/revoked under Rules 20 and 35 of the "High Court of Himachal Pradesh petition Writer (Grant of Licence and Conduct) Rules, 1989".

**10. Notification of Vacancies.**—The District Judge shall notify the number of vacancies of typists to be filled in at a particular station and shall invite applications by affixation of a notice on the Notice Boards of his court, the subordinate court, where the vacancy exists and at such other place(s) as he may consider appropriate and shall prescribe the date within which application should reach his office.

**11. Registration and Grant of Licence.**—(a) A person desirous of engaging himself in the work of typing in the subordinate court premises shall apply to the District Judge in the prescribed form (Annexure-A) alongwith two passport size photographs duly attested. Such application shall be accompanied by a certificate issued by an authority competent to issue such a certificate in respect of a Government employment to the effect that the applicant bears a good moral character.

(b) The applicant shall be required to take a test in typing to be conducted by the screening committee with a minimum typing speed of 40 words per minute with 90 % accuracy.

(c) The type test shall be conducted on a date to be fixed by the District Judge and it shall be notified to all the candidates whose applications have been found to be in order at least 15 days in advance and shall also be displayed on the notice boards of his court, the subordinate court where the vacancy exists and at such other place(s) as he may consider appropriate.

(d) On the basis of the type test a select List shall be drawn by the screening committee, keeping in view the vacancies to be filled in at a particular station alongwith a waiting panel which shall be valid for a period of one year. The District Judge shall grant licence to the selected candidate(s) in the prescribed form (Annexure-B).

(e) The entries regarding grant of Licence shall be entered in the register in the prescribed form (Annexure-C). One copy of the photograph of the licence shall be affixed on the register at appropriate place.

**12. Term of Licence.**—The term of licence shall be one year.

**13. Renewal of Licence.**—(a) The licence shall be renewed yearly subject to the condition that the work and conduct of the typist during the preceding year has been found to be satisfactory by the presiding Officer of the subordinate court and the president of the Bar concerned.

(b) Application for renewal of licence shall be made to the District Judge in the prescribed form (Annexure-D) at least fifteen days before the date of expiry of the licence but not later than 15 days after the said date.

(c) No application for renewal of licence shall be entertained after 15 days of the expiry of the licence except on sufficient cause having been shown for failure to apply for renewal within the time prescribed hereinabove.

**14. Charges.**—The charges for typing work shall be such as may be prescribed by the Chief Justice from time to time and shall be payable under a receipt to be issued by the typist, who shall maintain a printed receipt book with counter foil duly numbered.

**15. Inspection.**—(a) The receipt books maintained by the typist alongwith licence shall be produced for inspection between the first and the last day of July every year and at the time of renewal of the licence.

(b) The inspection shall be carried out at the District headquarters by the Senior Sub-Judge and at the Sub-Divisional headquarters, by the senior most Judicial Officer posted in the

Sub-Division. In case a typist fails to comply with the conditions of licence, the inspecting Judge shall report the matter to the District Judge who after examining the same shall take steps for suspension of the licence after giving reasonable opportunity to cause to the typist.

(c) Notwithstanding anything contained in these rules, the District Judge may, at any time, call for the receipt books being maintained by a typist for inspection and to take appropriate action as may be deemed fit and proper under these rules.

**16. Termination of Licence.**—Licence of a Typist who :—

(i) for any reason is found not capable of efficiently discharging the functions assigned under these rules ;

or

(ii) habitually remains absent during the court hours or is absent from the station for a period exceeding one week without prior permission of the presiding officer/ Sufficient cause ; shall be liable for termination by an order of the District Judge: Provided that before, taking any action, the District Judge shall give reasonable opportunity to show cause to the typist.

**17. Cancellation of Licence for Misconduct.**—The licence of a typist shall be liable to be cancelled, if he/she is found guilty of misconduct, or engages in any other employment, trade, business or profession etc :

Provided that before, taking any action under this rule, the District Judge may hold such inquiry as he may deem fit after giving reasonable opportunity to show cause to the typist.

**Explanation :**

For the purpose of this rule 'Misconduct' shall include anyone or more of the following acts of commission or omission on the part of a typist :—

(a) is found guilty of having suppressed any material fact having bearing on the registration as a typist under these rules ; or

(b) is found indulging in tonting ; or

(c) is found having received payment from a litigant in excess of the rates fixed ; or

(d) is found unfit to practise as such by reason of any fraudulent or improper conduct ; or

(e) is found to have tampered with any document/petition etc. presented or to be presented in the court or the record of the court whether Judicial or Administrative ; or

(f) is declared an insolvent ; or

(g) is convicted for an offence involving moral turpitude ; or

(h) commits breach of any of the conditions prescribed in these rules ; or

(i) is found guilty of conduct unbecoming of a registered Typist.

**18. Cessation of work.**—A typist may at any time before the expiry of the period of licence resign by giving one months notice in advance to the District Judge.

**19. Surrender.**—A typist :—

(i) Who resigns ; or

(ii) Who enters Government or private employment or engages himself in any other employment, trade, business or profession etc. ; or

(iii) Whose licence has been suspended, terminated or cancelled under these rules ; or

(iv) Whose licence has not been renewed after the period of expiry ;

Shall forthwith surrender his licence to the District Judge and a note of such surrender with reasons therefore shall be made in the register. The Typist shall thereupon stand deregistered.

20. *Vacation of Seat.*—On termination of licence by afflux of time or otherwise, the licensee shall vacate the seat assigned to him in the subordinate court premises forthwith and not later than 24 hours without any let or hinderance.

21. *Transitory Provision.*—(a) The typists presently working in the subordinate court premises shall have to get themselves registered as such in accordance with these rules within 30 days from the commencement thereof, failing which they shall not be entitled to have access thereto to continue with their work:

Provided that such typists shall not be required to qualify the typing test prescribed under rule 11 (b) above.

(b) The typists who have applied for registration under these rules within the time prescribed under clause (a) above shall be permitted to continue with their work pending registration under these rules.

22. *Appeal.*—An appeal shall lie against any order passed by the screening committee or the District Judge under these rules to the Chief Justice and the orders passed thereon shall be final.

23. *Residuary Powers.*—Nothing in these rules shall be deemed to effect the powers of the Chief Justice to make such orders from time to time as may be deemed fit in regard to all matters forming part of the subject matter of these rules and all matters incidental or ancillary thereof not specifically provided for herein or in regard to matters as have not been provided for or have not been sufficiently provided for herein.

BY ORDER OF THE HON'BLE THE CHIEF JUSTICE  
AND HON'BLE JUDGES.

V. K. SHARMA,  
*District and Sessions Judge (Rules).*

ANNEXURE-A

## FORM OF APPLICATION

1. Name
2. Date of birth
3. Father's Name
4. Nationality
5. Permanent Address
6. Address for Correspondence
7. Educational Qualifications  
(attach a certified copy of Matric/Hr. Secondary certificate and Diploma from a recognised I. T. I., if any).
8. Experience.  
(Attach experience certificate from the Institution where the applicant had been working last or from the Advocate with whom he has worked)
9. Whether has ever been declared tout
10. Whether is an un-discharged insolvent

11. Whether has been convicted for an offence involving moral turpitude.  
If so, when ? Give particulars of the case.
12. Whether has been dismissed from any public or private employment.
13. Whether is an ex-petition writer whose licence, has been suspended/cancelled/revoked under rules 20 and 35 of the "High Court of Himachal Pradesh petition writers (Grant of Licence and Conduct) Rules, 1989".
14. Whether is an ex-typist whose licence has been terminated/cancelled under these rules: if so, give particulars.
15. Whether is holding a public/private office or engages himself in any other employment trade, business or profession.

Dated.....

Signature of the applicant.

Certified that the contents of the above application are true to my knowledge.  
No part of the statement made therein is false. Character certificate is enclosed.

Applicant.

ANNEXURE 'B'

## FORM OF LICENCE

- (i) Name of licensee
- (ii) Father's Name.
- (iii) Permanent Address.
- (iv) Description of the seat which he is allowed to occupy for typing work.
- (v) Period for which the licence is granted
- (vi) Date and No. of registration
- (vii) Licence valid upto
- (viii) Passport size Photograph

Attested by the Presiding Officer.

"SEAL"

Date.....

(Signature of the District Judge).

- (i) Renewal upto
- ((ii)
- (iii)

District Judge.

Date.....

Note.—Please see the terms and conditions of licence overleaf.

## TERMS AND CONDITIONS

The typist shall:—

- (i) during the tenure of licence carry on his work only on such seat as is assigned to him/her and no where else;
- (ii) Carry out his/her work in a manner causing the least disturbance and maintain due cleanliness;

- (iii) Work in such a manner that persons are not allowed to gather around him/her so as to cause general disturbance and obstruction ;
- (iv) Present the licence for renewal/inspection as prescribed under these rules but renewal shall not be claimed as a matter of right;
- (v) make his/her services available in the Court premises at the prescribed seat on every working day from 9.00 A. M. to 5.00 P. M.;
- (vi) Type-out material with utmost decency and accuracy.
- (vii) re-type at his/her own cost any material typed by him/her when required to do so by the person employing him/her with the approval of the District Judge/Subordinate Judge as the case may be;
- (viii) not remain absent without sufficient cause and the prior permission of the District Judge/Subordinate Judge as the case may be ;
- (ix) not charge in excess of the rates fixed.
- (x) undertake to vacate the seat allotted to him/her under the licence without let or hindrance within 24 hours when called upon to do so.
- (xi) abide by all the provisions of the rules.

ANNEXURE-C

FORM OF REGISTER

Sl. No.	Name and address	Date of grant of licence	Date of Registration	Date of renewal
1	2	3	4	5

  

Date of suspension/ termination/ cancellation if any	Date on which licence is surrendered	Date of Deregistration/surrender, with reasons	Signature of the District Judge	Remarks
6	7	8	9	10

Photograph.

ANNEXURE'D'

1. Name of the applicant
2. Registration No.
3. Date of original Registration
4. Date upto which the licence is presently valid

5. Date of previous renewal (s), if any  
6. Period for which renewal is required

Date.....

Signature of the applicant.

Certified that the work and conduct of the applicant as typist during the previous year(s) has been found to be satisfactory and nothing adverse has come to my notice.

Date.....

President Bar Association

Certified that the work and conduct of the applicant as typist during the previous year adverse has come to my notice.

Date.....

Presiding Officer

Forwarded to the District Judge..... under rule 13 (b) of the Himachal Pradesh. Sub-ordinate Courts Typists (Grant of Licence, Registration and Conduct) Rules, 2001.

### PERMISSION

Consequent upon the grant of licence, you are hereby permitted to use and occupy the Seat described here-in-below to work as Typist during the currency of your licence, free of charge on the condition that you will vacate the said seat as and when called upon to do so forthwith and not later than within 24 hours without any let or hindrance.

Description of the Seat.

Dated.....

District Judge.

### UNDERTAKING

I..... hereby undertake that I shall vacate the seat which I am permitted to use and occupy to work as Typist as and when called upon to do so forthwith and not later than within 24 hours without any let or hindrance. I further undertake that I will not claim any right whatsoever over the seat.

Signature and name of the Typist.